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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,658	12/20/2001	James Michael Shumpert	384.7509USU	1146

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EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,658	Applicant(s) SHUMPERT, JAMES MICHAEL	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/06 has been entered.

Claim Status

Claims 1-9, 10-18 are pending and are rejected as followed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARTICLE 1997 ("Would you hire ..., worth it", June 9, 1997) alone or in view of KELLY (US 2002/0120614).

ARTICLE 1997 fairly discloses a method for determining authenticity of a business partner (candidate for a job opening or employee or partner) comprising the steps of:

(a) receiving a request of a user to determine authenticity of a business partner {see paragraph #1};

(b) receiving information about identity (name and/or address) of the business partner from the user {par. #4 with www.switchboard.com for names and/or addresses};

(c.) matching said identity of the business partner to a business data record of a business that is one of a plurality of businesses by searching at least one database for said business data record having attributes that match said identity (name and/or address),

(d) processing one or more of the at least one attribute of the matched record data according to a set of authentication (verification) rules to determine if the business partner is authentic {see page 1, paragraphs #1 and 4}. Note that the teaching of a set of authentication (verification) rules is shown or inherently included on paragraph no. 4 as the verification goes from name and address to other "nitty-gritty" information such as access to criminal and civil court records and other extensive data such as the credential of the partner such as driving records, or bankruptcy filings. Note that on

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paragraph no. 4, ARTICLE 1997 teaches the use of a service for a fee from Scherzer & Co. to investigate everything from driving records to bankruptcy filings wherein the service can be done on the web or in the yellow pages. It would have been obvious to carry out step (d) above on the Internet to take advantage of well known benefits of the Internet such as low cost, convenience and automatically.

In another method for automated verification of educational information (claims) with educational institution, KELLY discloses the carrying out the verification steps automatically and immediately or processing the request automatically, immediately and electronically {see [0011], [0031]} to overcome the many disadvantages of doing them manually, such as unavailable, delays, contacting each of the multiple educational institutions (agencies or institutions) separately which is time consuming and inefficiency, etc., as shown on [0004]. It would have been obvious to modify the teaching of ARTICLE 1997 by carrying the steps automatically and computer-implemented as taught by KELLY to overcome one of the many disadvantage of doing them manually or separately as shown ARTICLE 1997.

As for dep. claim 2 (part of 1 above), which deals with well known claim (or data) verifying parameters, i.e. notifying the results to the user after matching the results, this is inherently included in the teachings of ARTICLE 1997 as shown in paragraphs 1-2 or in KELLY [0033] or [0036]. As for the limitation of “automatically” performed, this is taught in KELLY [0011] or [0031]. Moreover, changes from manual practices to automatic control or practices are well known to a person of ordinary skill to

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take advantages of well known benefits of automation. See In re *Venner*, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958).

As for dep. claims 3-5 (part of 1 above), which deal with well known claim (or data) verifying parameters carried out on computer or web, i.e. inputting data/entry using standard template, these are non-essential to the scope of the claimed invention and inherently included in ARTICLE 1997 or KELLY since both involve the use of computers/web wherein data entry are entered using template for “name” and “address”.

As for dep. claim 6 (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. authentication rules require one or more current transactions with trade references, this is fairly taught in ARTICLE 1997, page 1, paragraph no. 4 “bankruptcy filings” or other financial transactions such as credit cards, etc. The use of other financial transactions would have been obvious as mere using other similar transactions to achieve similar results, absent evidence of unexpected results.

As for dep. claim 7 (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. registration of the claims if steps (c.) fails to find a match, it would have been obvious to do so to improve future verification if the partner (candidate) is applying another job in the future with another company.

As for dep. claims 8-9 (part of 1 above), which deal with well known claim (or data) verifying parameters, i.e. searching for a credential and wherein the credential is one of license, financial account, membership, etc., this is fairly taught in ARTICLE 1997 page 1, paragraph no. 4, “driving records (license)” or “bankruptcy filings”. The

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use of other financial transactions, bank account, or license would have been obvious as mere using other similar transactions to achieve similar results, absent evidence of unexpected results. This is also taught in [0032] of KELLY wherein other related informations can be verified.

5. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARTICLE 1997 ("Would you hire ..., worth it", June 9, 1997) in view of KELLY (US 2002/0120614).

As for independent system claim 10, which is basically the system to carry out the method of claim 1 above, it's rejected over the computer system of ARTICLE 1997 /KELLY to carry out the rejection of method 10 as cited above.

As for dep. system claims 11-18 (part of 10 above), which have similar limitations as in dep. method claims 2-9 (part of 1 above), they are rejected for the same reasons set forth above to minimize duplicate copy of the rejections of claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US 2001/0047347 by Perell et al. discloses the data certification and verification system having a multiple-user controlled data interface.

(2) www.ama-assn.org (Feb. 11, 1998) discloses a method for matching data and verifying an entity (doctor) with identifying data (name, location) and credential (membership).

No claims are allowed.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

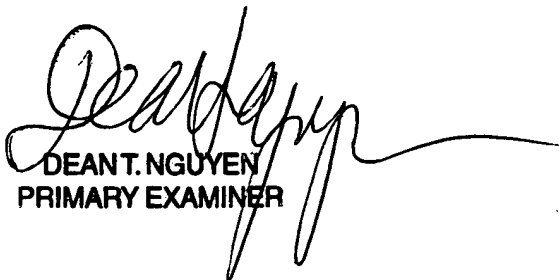
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
April 26, 2006


DEANT.NGUYEN
PRIMARY EXAMINER